IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10515 of 2005

Between:

R.Pandurangam. S/o.Late R.Kistaiah, Assistant Sub-Inspector,
now under the orders of dismissal, R/o.Hyderabad.

..... PETITIONER

AND

1 The State of Andhra Pradesh, represented by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2 The Director General of Police, Lakdikapool, Hyderabad.
3 The Commissioner of Police, Basheerbagh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to may be pleased to issue a writ order or direction more particularly one in the nature of writ of certiorari: a). Call for the records relating to and connected with the docket order dt.20-04-2005 in O.A.No.1166 of 2005 on the file of the Hon'ble A.P. Administrative Tribunal and also the impugned order No.L&O/B2/1016/2004 dt.4-3-2005 of the 3rd respondent and quash or set aside the same holding it as arbitrary, illegal, unwarranted and violation of Articles 14 and 16 of the Constitution of India; b) Direct the respondents to reinstate the petitioner into service forthwith all consequential benefits.

Counsel for the Petitioner: MR.NUTY RAM MOHAN RAO

Counsel for the Respondents: GP FOR SERVICES I

The Court at the admission stage made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in OA.Nos.1166 of 2005, dated 20.4.2005, wherein the Tribunal refused to suspend the dismissal order dated 4.3.2005 passed against the petitioner by the 3rd respondent.

2. It is the case of the petitioner that the petitioner was dismissed from service by an order dated 4.3.2005 in pursuance of the conviction recorded by the Special Court for SPE and ACB cases in C.C.No.12 of 1993 dated 21.10.2003 and against that judgment he has filed an appeal in Criminal Appeal No.1143 of 2003 before this Court and the same is pending.

3. It is on record that the petitioner was not given any show cause notice before invoking clause 25(1) of A.P. C.C.S. (CCA) Rules, 1991. It is also brought on record that in number of cases, viz., OA.No.4501 of 2004, dated 9.8.2004, O.A.No.6683 of 2002, dated 26.7.2002 etc., the Tribunal granted interim stay of dismissal orders. It is to be noted that the Tribunal for the sake of consistency ought to have followed its own orders passed in similar and identical cases.

4. Under these circumstances, we set aside the order of the Tribunal and direct the Tribunal to dispose of the OA filed by the petitioner herein expeditiously. Pending disposal of the above OA., the order of dismissal dated 4.3.2005 shall stand suspended.

5. With the directions indicated above, the Writ Petition is disposed of. No costs.

(G.BIKSHAPATHY, J.)

29th April, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary, Home Department, State of Andhra Pradesh, Secretariat,
Hyderabad.
2 The Director General of Police, Lakdikapool, Hyderabad.
3 The Commissioner of Police, Basheerbagh, Hyderabad.

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

5 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

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